IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

OP.No. 16172 of 1997(A)

PETITIONER:

MRS.ELIZABETH AVARACHAL ALIAS JAYA,
AGED 38 YEARS, W/O.AVARACHAN KONALIL,
P.O. KIZHMURI, RAMAMANGALAM VILLAGE,
MUVATTUPUZHA TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.P.K.JOSE

RESPONDENTS:

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1) **CHIEF ENGINEER, IRRIGATION ADMINISTRATION, THIRUVANANTHAPURAM.**

2) **CHIEF ENGINEER, PROJECTS, THIRUVANANTHAPURAM.**

3) **SUPERINTENDING ENGINEER, MUVATTUPUZHA VALLEY IRRIGATION PROJECT, MUVATTUPUZHA.**

4) **EXECUTIVE ENGINEER, MUVATTUPUZHA VALLEY IRRIGATION PROJECT, DIVISION NO.3, MUVATTUPUZHA.**

5) **TAHSILDAR, LAND ACQUISITON, MUVATTUPUZHA VALLEY IRRIGATION PROJECT, ANJELPETTY.**

6) **STATE OF KERALA, REP: BY CHIEF SECRETARY TO GOVERNMENT, THIRUVANANTHAPURAM.**

BY GOVT. PLEADER SRI.P.N.SANTHOSH.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 05/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP.NO.28972 OF 1997 OP.NO.16172 OF 1997-A.

DISMISSED.

5.10.2007. **Sd/- T.R.Ramachandran Nair, Judge.**

PETITIONER'S EXHIBITS:-

P1: Copy of representation dtd.9.8.1996 to the 1st respondent.

P2: Copy of the representation dtd.5.10.1996 to the 3rd respondent.

P3: Copy of the sketch of the proposed economical alignment dated 1.8.1996.

P4: Copy of the representation dtd.9.10.1996 to the District Collector.

RESPONDENTS' EXHIBITS:- **Nil.**

(true copy)

P.A. TO JUDGE.

Kvs/-

T.R.RAMACHANDRAN NAIR, J.

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O.P.No. 16172 of 1997-A.

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Dated this the 5th day of October, 2007.

J U D G M E N T

The writ petition concerns the prayer of the petitioner to change the alignment of irrigation canal of the Muvattupuzha Valley Irrigation Project which was to pass through the property of the petitioner. There was no interim order in this writ petition. The finalisation of the alignment etc. is a matter perfectly within the powers of the concerned statutory authority. The counter-affidavit shows that proceedings have been initiated under the Land Acquisition Act and the land acquisition proceedings have been taken under the urgency provision of Section 17(4) as early as on 23.6.1995. The grounds raised in the writ petition are not sufficient to hold that the proceedings taken are in any way infirm. No interim orders have been passed in this case. Therefore, the writ petition is dismissed.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-